



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 15 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

Mr. Benjamin Levitan
Environmental Defense Fund
1875 Connecticut Avenue, NW
Washington, D.C. 20009

Re: Freedom of Information Act Request No. EPA-HQ-2017-007004, Appeal No. EPA-HQ-2017-011703

Dear Mr. Levitan:

This letter is in reference to your Freedom of Information Act request, dated May 8, 2017, in which you requested records relating to possible cuts to the Environmental Protection Agency's budget that were produced, modified, or transmitted between January 20, 2017 and the date the EPA searches for responsive records. The Agency did seek to clarify your request and narrow the scope.

The Office of the Chief Financial Officer/Office of Budget has concluded its search for records responsive to your request and is providing a portion of the requested records. Responsive, releasable documents, as well as this transmittal letter, have been uploaded to the EPA's FOIA Online system. To access these documents, please reference your FOIA request as EPA-HQ-2017-007004. Any deliberative information that is exempt from disclosure, contained within these documents, has been redacted. The Agency is providing 19 documents and is withholding 207 documents (please note that this includes several duplicative documents – i.e., e-mail threads, calendar meeting invites, etc.). The determination to issue this partial denial is based on the recommendation of the Office of Budget staff and Deputy Director.

According to the Executive Office of the President, Office of Management and Budget Circular Number A-11, Section 22, paragraph 22.1, the nature and amounts of the President's decisions and the underlying materials are confidential. This was further clarified by the OMB Memorandum 01-17: Confidentiality of Pre-Decisional Budget Information, issued on April 25, 2001, which reiterates the need to preserve internal deliberations regarding the various issues and options that were considered in the process leading to the President's decisions as internal records.

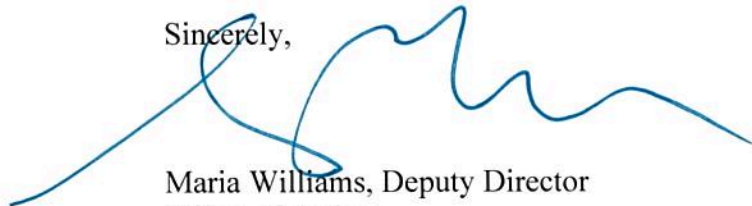
The majority of the information you requested concerning the correspondence between the Agency, OMB, and the White House, pertaining to the EPA's FY 2018 Congressional Budget Justification, is internal and deliberative. These types of records that you requested are being withheld pursuant to 5 U.S.C. §552(b)(5), the Deliberative Process Privilege. These records are exempt from disclosure because they are pre-decisional and deliberative agency communications and would harm agency decision-making if released. The cost to process your request is \$0.00.

We encourage you to take a look at the EPA's FY 2018 Congressional Budget Justification, that outlines funding and staffing levels for the Agency in FY 2018, released in May 2017. It is available at <https://www.epa.gov/planandbudget/fy-2018-justification-appropriation-estimates-committee-appropriations>.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 5315, Washington, DC 20001. Your appeal must be in writing and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667 or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

If you have any further questions or concerns about this response, please contact me at williams.maria@epa.gov or at (202) 564-3021.

Sincerely,



Maria Williams, Deputy Director
Office of Budget
U.S. EPA, OCFO/OB (2732A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-3021 (VOICE)
(202) 564-1836 (FAX)

Enclosures

cc: Chandra Kennedy, OCFO FOIA Officer
Carlene Godfrey, OCFO FOIA Officer
Melissa Shapiro, OGC Attorney
John Bullock, EDF Legal Fellow